

ASSEMBLY BILL

No. 2282

Introduced by Assembly Member Miller

February 18, 2010

An act to amend Section 1633.11 of the Civil Code, relating to electronic transactions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2282, as introduced, Miller. Electronic transactions: notarized signatures.

Existing law provides that an electronic signature may be notarized if the electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information ordinarily required to be included in a notarization.

This bill would define “electronic signature” for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1633.11 of the Civil Code is amended
- 2 to read:
- 3 1633.11. (a) If a law requires that a signature be notarized, the
- 4 requirement is satisfied with respect to an electronic signature if
- 5 an electronic record includes, in addition to the electronic signature
- 6 to be notarized, the electronic signature of a notary public together
- 7 with all other information required to be included in a notarization
- 8 by other applicable law.

1 (b) In a transaction, if a law requires that a statement be signed
2 under penalty of perjury, the requirement is satisfied with respect
3 to an electronic signature, if an electronic record includes, in
4 addition to the electronic signature, all of the information as to
5 which the declaration pertains together with a declaration under
6 penalty of perjury by the person who submits the electronic
7 signature that the information is true and correct.

8 (c) *For purposes of this section, “electronic signature” means*
9 *an electronic sound, symbol, or process attached to or logically*
10 *associated with a record, and executed or adopted by a person*
11 *with the intent to sign that record.*